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UNCLAS SECTION 01 OF 03 THE HAGUE 002445

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E.O. 12958: N/A

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SUBJECT: DHS SEC. RIDGE CARRIES MESSAGE OF COMMON CT CAUSE
TO EU - JHA TROIKA MEETING, SEPT. 18, IN THE HAGUE

REF: The Hague 2308

1. SUMMARY: Sec. Ridge discussed implementation of US-EU Summit Declaration Combating Terrorism with the EU JHA Troika, stressing the importance of information sharing and the need to communicate better to the public the existing high level of CT cooperation between the U.S. and EU. His message of finding "common solutions to common problems" resonated well with the EU Troika and press. EU President Dutch Justice Minister Donner listed his country's priorities for the presidency, which included addressing problem of terrorist financing, bringing US-EU Mutual Legal Assistance and Extradition Agreements into effect, and attacking terrorist "recruiting/underlying conditions" in society. Donner said the UK has agreed to hold a follow-on senior-level JHA meeting during its presidency and hoped such meetings would become institutionalized. END SUMMARY.

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2. Sec. Ridge, Amb. Sobel, DHS Assistant Secretary Susan Neely and Department of Justice Senior Counselor at USEU Mark Richard met Sept. 18 in The Hague with Dutch Justice Minister Donner, Interior Minister Remkes and Immigration Minister Verdonk, representing the EU Presidency, Luxembourg Justice Minister Frieden, representing the incoming president, EU JHA Commissioner Vitorino, his DG Jonathon Faull and EU CT Coordinator de Vries, representing the Commission, and de Kerchove of the EU Council Secretariat. The agenda covered data protection, transport security, border management and immigration and cyber security.

3. Donner started the meeting by noting the EU and U.S. were achieving maximum results in preventing terrorist attacks by working together. He hoped high-level discussions on JHA issues, such as this meeting, would be continued through subsequent presidencies and said the UK had agreed to hold another such meeting during its presidency (second half 2005). He then listed those priorities, from the US-EU Summit Declaration, for the Dutch presidency:

- terrorist financing (improve effectiveness of asset-freezing mechanism, attack cash couriers)
- information sharing among law enforcement agencies to prevent and disrupt terrorist activity
- stronger US-EU Europol cooperation and information exchange
- completion of process for implementation of US-EU Mutual Legal Assistance and Extradition Agreements
- information sharing on lost and stolen passports through Interpol
- travel document security through incorporation of interoperable/compatible biometric identifiers
- address recruiting and "underlying conditions" to terrorism in society.

4. Luxembourg Justice Minister Frieden said Luxembourg and the UK (the next two EU presidents) agree with the Dutch on the need to strengthen cooperation with the U.S. on JHA issues. He recommended putting out a roadmap of objectives to be achieved leading up to the US-EU Summit during the Luxembourg presidency.

5. Sec. Ridge suggested adding cooperation on CIP to the Dutch list. He also urged the parties to look at long-term objectives as well as short-term issues, e.g., getting PNR information an hour before departure; sharing lost/stolen passport information in real time; sharing fingerprint data. The Secretary noted that many times it would not be necessary to negotiate new protocols/agreements on issues, but rather just get the right people together to share views and discuss lessons learned. In response to Frieden's question about his priorities for the next 12 months, the Secretary said they were application of biometrics in travel

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documents and implementation of the US VISIT program.

6. Vitorino said the U.S. and EU had much to be thankful for in CT cooperation, but there was still much to do. He expressed appreciation for the advance notice of the US VISIT/FBI issue. He commended the work of the Public Dialogue on Border and Transport Security (PDBTS) and suggested focusing on how US-EU agreements on JHA issues

could help move CT matters in international organizations.

17. When Donner suggested developing some sort of permanent structure to ensure implementation of the Declaration goals, de Vries said the parties should not create any redundant or competing structures. Vitorino noted there were already the PDBTS and existing US-EU JHA Troika mechanisms. Still, Sec. Ridge said enhanced cooperation was desirable and announced DHS would put a permanent representative in Brussels to keep EU leaders informed of DHS activities and to work on JHA issues.

18. Focusing on data protection, Donner noted information sharing was essential to make international CT efforts work effectively, but a balance needed to be struck between data protection and security concerns. Donner said it was important first to explain the respective systems, find common ground and keep the public informed of developments. He stressed that adequacy, proportionality and necessity of the data requested were key to working together on data protection, as well as keeping the public trust. The Secretary agreed, saying we needed to make sure we had good

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information and exchanged it quickly with appropriate safeguards. Vitorino said U.S. and EU needed to make a persuasive case to the public existing safeguards were adequate, especially as the EU develops its own Schengen Information System and Visa Information System, which will allow EU Member States to share travel document data. Vitorino said data protection should be included in the PDBTS agenda.

19. Sec. Ridge spoke of several efforts the U.S. had undertaken on transport security (sky marshals, hardening the cockpit door on airliners, improving reporting of lost/stolen cargoes of hazardous material) and said there were lots of practical lessons to be shared. He wondered if an EU working group wanted to come to the U.S. to talk about lessons learned. De Vries said a technical team was possible under the CIP "first look" as called for in the Summit Declaration or under the PDBTS. Sec. Ridge also noted CSI was an example of great multilateral cooperation and now the U.S. and EU needed to look at air cargo and mass transit protections. Vitorino applauded progress on PNR, but wondered whether PNR data would make its way to the US VISIT databank. He urged the U.S. and EU to reach out to parliamentarians/representatives and have them take up these security issues. He acknowledged steps on port security were very complex and politically sensitive (i.e., ferries), but they must have priority for the Member States. He said boats and trains were more important transport systems for the EU than air.

110. Vitorino spoke of the EU's recent efforts on biometric identifiers in travel documents and the political limitation on the program. He expressed appreciation for Secretaries Ridge and Powell's successful efforts to obtain a Congressional extension of the Oct. 2004 deadline for machine-readable passports for VWP countries. Sec. Ridge said given current physical impossibility of meeting the deadline he "had reason to be optimistic" for Congress to revisit the deadline "as long as significant progress is made." Frieden said it was important to show agreement towards a shared goal on this issue and not look like the EU was simply making changes because of US requirements. Immigration Minister Verdonk raised the question of expanding the VWP to include new Member States, noting this was a very sensitive issue within the EU. The Secretary said Congress set the eligibility for VWP and it was determined on a state-by-state/bilateral basis. Vitorino acknowledged the EU itself had imposed border-crossing restrictions on the new Members States, noting they would not be eligible for Schengen participation until 2007 at the earliest. On the other hand, he announced New Zealand and Australia had extended visa waiver privileges to the new Member States. On the margins of the meeting, staff discussed having DHS experts meet with and inform non-VWP EU countries of the specific standards they need to meet in order to become eligible for VWP.

111. Sec. Ridge spoke of the importance of protecting the cyber infrastructure because of the potential impact of disruption. He noted the U.S. and EU had lots to learn from one another in this area and mentioned the upcoming cyber security conference in Berlin, co-hosted by DHS and the German Interior Ministry, which would promote such an exchange. The Secretary said U.S. and EU must examine systems and safeguards cooperatively and with the private sector. De Vries mentioned ENISA, a new EU agency dealing with cyber security.

JHA TROIKA - PRESS CONFERENCE

112. After the Troika meeting, Sec. Ridge, Donner and

Vitorino conducted a press conference for more than 80 journalists, primarily from around Europe. All three stressed the ongoing cooperation between the U.S. and EU in combating terrorism. In addition, the Secretary emphasized the importance of information sharing with the EU: "The heart of combating international terrorism, in our view and I believe one shared by our colleagues in the EU, is information sharing. If the right information is shared in a timely basis with the right people, you can avoid the consequences of terrorist activity." Sec. Ridge also reassured the European audience Americans share with Europeans a belief in the importance of privacy in information sharing: "Exchanging of information will never take place independently of the very important discussion on how we collectively do it in a way that protects civil liberties and privacy."

BILATERALS - MEETINGS WITH JUSTICE & INTERIOR MINISTERS & FINANCE MINISTRY & CUSTOMS

13. During a bilateral discussion, Donner told the Secretary of Dutch efforts to re-organize their CT structure (reftel), which included developing a color-coded alert system. Donner and Interior Minister Remkes said it was important for the system not only to inform the public of the threat but also to let industry and local government know what was expected of them. Assistant Secretary Neely said the most effective way to combat "threat fatigue" was to give the public more information about what the threat really was and how the government was responding. Sec. Ridge said DHS was ready to share lessons learned on the alert system. Donner also said the Dutch would try to advance a number of the points raised during the JHA Troika discussions bilaterally, for example on transport security (ISI, CSI, radiological gates) and information exchange. Remkes also raised the SAGBATA project, a Dutch-Swiss software program to facilitate responders to biochemical attack, as a good vehicle for crisis/consequence management cooperation. Sec. Ridge welcomed such cooperation and noted NATO was considering funding SAGBATA.

14. Sec. Ridge also met with Finance Ministry State Secretary Joop Wijn and Dutch Customs Director Helma

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Nepprus to express appreciation for Dutch participation in the CSI program, noting the Dutch, by being the first European country to sign on to the program, had helped drive international acceptance of CSI. The Secretary said as new technologies become available to secure the transport chain, like radiological portal monitoring gates, it would be important to meet with close friends like the Dutch and examine what was possible to enhance security. Wijn said the Dutch were interested in making sure Rotterdam was the safest port possible and expressed interest in CSI's "Green Lane" pilot project in Sweden.

PRESS ROUNDTABLE

15. After his bilateral meetings, the Secretary met with a roundtable of 9 journalists from eight European countries. The wide-ranging discussion touched on whether the war on terrorism could be won, biometrics, the terror risk rating system in the US and container security initiative among other topics. Sec. Ridge emphasized the U.S. wants to secure its borders while keeping its doors open. He acknowledged the importance of keeping commerce and people flowing through our borders - and US VISIT and other security mechanisms were balanced and appropriate. Noting "it's not just a European issue," the Secretary said most Americans were also keenly sensitive to privacy issues.

16. This cable has been cleared in draft by DHS.

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